

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

GARRETT GIBB, #1104016 §
VS. § CIVIL ACTION NO. 6:04cv81
CHRISTINA CRAIN, ET AL. §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the complaint should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. The Plaintiff's claim that he should be permitted to wear a quarter-inch beard for religious reasons was fully developed and rejected in *Gooden v. Crain*, ____ F.Supp.2d ___, 2005 WL 3436769 (E.D. Tex. Dec. 13, 2005). The case should be dismissed in light of *Gooden v. Crain*. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Plaintiff's RLUIPA and equal protections claims are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that the Defendants' motion for summary judgment (docket entry numbers 53 and 72) is **GRANTED**. It is further

ORDERED that the complaint is **DISMISSED** with prejudice. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 13th day of January, 2006.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS".

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**